IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.5284 of 2006

M/s Pfizer Ltd. ..Petitioner

vs.

Navi Mumbai Municipal Corporation ..Respondent

Shri Y.S.Jahagirdar, Sr.Counsel with Shri A.D.Shetty and Miss Rita Joshi for petitioner.
Shri A.A.Garg for respondent.

CORAM: S.C.DHARMADHIKARI J.
16th June, 2007

P.C.

1. The municipal appeal preferred by the petitioner/original appellant being Municipal appeal No.9 of 2006 appears to have been rejected at a stage at which the petitioner sought some interim orders. Both sides do not dispute before me that the appeal is principally rejected for want of compliance with sec.406(2)(e) of the Bombay Provincial Municipal Corporation Act, 1949.

2. Shri Jahagirdar, learned Senior Counsel, appearing for the petitioner, after taking instructions from the petitioner's representatives who are present in Court, makes a statement that the amount under dispute namely Rs.7,83,198/- has been paid on 29th May, 2007,

acknowledgement of the communication whereof is also produced by him. The Copy of the same is taken on record and marked "X" for identification.

3. In the light of the compliance, now made, with section 406(2)(e). which ofcourse, is without prejudice to the rights and contentions of both sides, in my view, the request of the learned Senior Counsel to restore the municipal appeal can be considered.

4. Shri Garge, learned counsel appearing for the respondent Navi Mumbai Municipal Corporation, seeks time to take instructions.

5. No prejudice will be caused to the respondent Corporation by the direction that I propose to issue in this petition while disposing of the same.

6. The amount is paid according to the petitioner on 29th May, 2007. If the amount is deposited with the Navi Mumbai Municipal Corporation and proof thereof is produced by the petitioner before the Trial Court within a period of two weeks from today, Municipal Appeal No. 9 of 2006 thereupon shall stand restored to file of the Civil Judge, Sr.Dn., Thane for being disposed of on merits and in accordance with law within a period of one year from the date of appearance of the parties. Needless to state that

the deposit is without prejudice to the rights and contentions of both parties and all contentions with regard to the merits of the appeal are kept open. Petition is disposed of.

(S.C.DHARMADHIKARI J.)